



Maryland Department of Planning

Martin O'Malley
Governor

Anthony G. Brown
Lt. Governor

Richard Eberhart Hall
Secretary

Matthew J. Power
Deputy Secretary

August 20, 2008

Mr. Tom R. Bass
Zoning administrator
Planning and zoning Commission
101 S. Main Street
P.O. Box 279
Galena, MD 21635

Dear Mr. Bass:

Thank you for the opportunity to comment on the draft Comprehensive Plan for the Town of Galena. The Department feels that good planning is important for efficient and responsible development that adequately addresses resource protection, adequate public facilities, community character, and economic development. Generally, the draft Comprehensive Plan reflects State planning law, policies and objectives except for elements of House Bill 1141.

Although some of the requirements of HB 1141 have been added to the plan, the plan in its current state does not meet all of the requirements of this legislation. Several modifications must be made to comply with this legislation including the inclusion of a Water Resource Element. Although the Town has until October 1, 2009, to include the required elements of HB 1141 into the Comprehensive Plan, we encourage you to consider including the Water Resource Element at this time. I've attached comments from the Maryland Department of Environment that provides information for achieving this element. The Maryland Department of Planning would also be happy to meet with the Town to assist in this endeavor

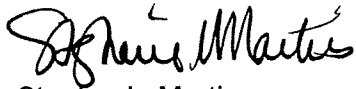
Understanding the Town's interest in maintaining the unique small town character of Galena, we have prepared several comments, which are provided in the attachment to this letter. In addition we forwarded a copy of the Plan to a number of State agencies for review including the Departments of Transportation, Environment, Natural Resources, Business and Economic Development, Housing and Community Development, and Agriculture. Any plan review comments received to date from the various State agencies have been included as attachments for your consideration. Comments received after the date of this letter will be forwarded to you upon receipt.

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The attached comments reflect on ways to strengthen the Plan as well as satisfy State requirements. We hope that consideration will be given to all of our comments as revisions are made, and to any future plans, ordinances, and policy documents that are developed. We understand that a Public Hearing has not been scheduled as yet. Once the Public Hearing is scheduled, it is our wish that our comments be added to the record.

Please contact me at (410) 767-4500 or Mary Ann Skilling, Regional Planner for the Upper Eastern Shore at (410) 767-4573.

Sincerely,

A handwritten signature in cursive script, appearing to read "Stephanie Martins".

Stephanie Martins
Director, Land Use and Planning Analysis

cc: Mary Ann Skilling

Maryland Department of Planning
Review Comments
Draft Galena Comprehensive Plan

GENERAL COMMENTS

MUNICIPAL GROWTH ELEMENT

Overall the Town has done a good job incorporating a Municipal Growth Element into the draft comprehensive plan. The Town has included a build out analysis in the plan and has linked this analysis to population projections and future growth.

MDP understands that the Town does not anticipate significant future growth and does not see the immediate need to designate future annexation areas in this plan. However, on page 16 the plan states that "any future expansion of the Town's boundaries through annexation should occur in the very limited areas to the north, east and west between the current Town limits and the natural buffers." If the Town does not clearly outline and discuss these areas in the plan, the Town will need to make substantial revisions to the plan in the future, adding these areas before annexation may occur.

COMMUNITY FACILITIES

The Plan points out the limitations of the water supply and sewer treatment capabilities to the different growth scenarios. It appears that the water supply will be able to meet the greatest growth demands or be easily remedied while the sewer treatment capabilities will require upgrades and expansions. The Plan points out that capacity deficiencies could exist at the sewer treatment plant with an increase in flow from the existing connections. This plant is at 80% of its permitted capacity use and is required to prepare a Capacity Management Plan (CMP). The Comprehensive Plan should provide an action item that directs the Town to prepare a CMP immediately. The Kent County Water and Sewer Plan should incorporate the information of the Capacity Management Plan required for this treatment facility to better monitor allocation and discharge management.

There is no information on the nutrient loading from the wastewater effluent or on the non-point load impacts from the Town and its surrounds on the watershed it is impacting. This should be included in a Water Resources Element that is not included in this plan. All of the information provided on the growth analysis of the MGE should be presented in the context of its nutrient load impact for each growth scenario. While the Plan is adamant on maintaining its small town character and limiting the expansion of the water and sewer to property owners inside of the Town boundaries, it would be responsible of this Plan and the County to identify and reserve emergency wastewater treatment capacity for nearby, outlying, small lot development on septic systems that might require

service to protect the environment and public health. In addition, clear policy should be directed to the County to minimize further residential development around the Town and direct such development to the Towns to enhance Smart Growth. The Town of Galena is one of the County's growth areas and as such should coordinate all land use plans and growth concerns with the County to allay future growth conflicts. The dialog of the Plan on page 29 acknowledges the effort to coordinate on growth matters with the County however; this Plan should not indicate utility services outside of the Town limits (first sentence, last paragraph).

Land Use

The statement made on the top of page 4 regarding the State's responsibility to back up the local governments policies on growth and resource preservation is couched in a manner that requires each Comprehensive Plan to be completed with adequate State comment. This statement of responsibility should then also acknowledge the State's position for its review and comment on all local planning matters as they are implemented through the local codes, regulations, and other State mandated planning tools and documents. It should be reiterated to the Town that the Comprehensive Plan is "the" road map to a development "destination" and it is the tools (local codes and regulations) and supporting documents (Water and Sewer Plans, Storm water Mgt. Plans, Parks and Recreations and Land Preservation Plans) that must be maintained to implement the Comprehensive Planning policies and action items. The State has a responsibility to help guide proper land use as mandated by the Laws of the State; this is in many cases an interpretive task that may prevail over the interpretive powers of the local decisions and so should duly be noted.

The opening remarks, on page 10, under Forecasts and Assumptions, indicate the Plan is partly based on assumptions that should be clearly stated in the Plan. This then provides a platform for interpretive evaluations by each reader and a basis upon which to change the Plan to meet... "new and unexpected developments" in future challenges. I was able to identify any of the Plan assumptions this remark is referring to or clearly understand the thought processes here or the reason for such a statement. The Plan is not a guide to be altered at every new and unexpected development or set of data. The Comprehensive Plan should provide clear goals and policies to carry out the "visions" of the community, local, County, and the State. The clearest development statement is made on page 16 in the second paragraph that future growth outside of the Town, if any annexations were to be entertained, the Plan states that they should be selective to the developmentally limited (explained prior) north, east and west areas surrounding the Town, and as such is in holding with the Towns policy of "preserving the capacity of the water or sewer system or use by the property owners". In other words, the Town Comprehensive Plan is clearly not looking to expand its corporate limits while maintaining a very controlled growth by carefully permitting additional public water and sewer usage,

and minimizing its nutrient "footprint". This is reinforced by the policy discussion of full build out within the Town on page 18 in the financing of infrastructure expansion. The County government has the task of minimizing small lot subdivision (sprawl) around the Town and fostering the continuation of the areas vibrant and robust agricultural environment. This being said, the second paragraph on page 19, under Galena's Long Term Development Policies, should be re-written to coordinate with the development goals on page 16. If the County will be producing a land use plan that is clearly mapped or parcel based either in text or tabular form, it should be incorporate the Towns plans to complete the coordination of the growth area analysis of the Municipal Growth Element and then further provide the necessary planning information for future water and sewer infrastructure needs. These steps should be performed prior to any further infrastructure permitting by the State, or confirmed that such work has been completed within this Plan.

Other Comments

The **Infrastructure** section on page 8 could have headings to the particular items to help reader locate information, even though the information is brief, it helps to organize it. Point in case, the information on open space for recreation is sandwiched in between two paragraphs on water and sewer infrastructure.

On page 12, fourth paragraph, the Plan mentions Tables of Special Conditions A.1. and Tables of Special Conditions A.2. What are these and where are they located?